

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>ADRIANA AVILES, Individually and as Parent and Natural Guardian of N.A., N.A., and A.A., STEPHANIE DENARO, Individually and as Parent and Natural Guardian of D.D. and H.D., CHRISTINE KALIKAZAROS, Individually and as Parent and Natural Guardian of Y.K., GAETANO LA MAZZA, Individually and as Parent and Natural Guardian of R.L., CRYSTAL LIA, Individually and as Parent and Natural Guardian of F.L., and CHILDREN'S HEALTH DEFENSE,</p> <p style="text-align: center;">Plaintiffs,</p> <p>Against</p> <p>BILL de BLASIO, in his Official Capacity as Mayor of the City of New York, DR. DAVID CHOKSHI, in his Official Capacity of Health Commissioner of the City of New York, NEW YORK CITY DEPARTMENT OF EDUCATION, RICHARD A. CARRANZA, in his Official Capacity as Chancellor of the New York City Department of Education and THE CITY OF NEW YORK,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>STIPULATION FOR DISMISSAL WITHOUT PREJUDICE</b></p> <p>Civil No.: 1:20-cv-09829</p>
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The parties, **Plaintiffs**, JOSEPH BORELLI, Individually and as Parent and Natural Guardian of J.B., JANET NICHOLS, Individually and as Parent and Natural Guardian of J.N., MARIA HART, Individually and as Parent and Natural Guardian of C.H., A.H. and J.H., ERIN ULITTO, Individually and as Parent and Natural Guardian of L.U., CRYSTAL J. LIA, Individually and as Parent and Natural Guardian of F.L., C.L. and G.L., MICHELLE BAIONE, Individually and as Parent and Natural Guardian of R.B. and C.B., ADRIANA AVILES, Individually and as Parent and Natural Guardian of N.A, N.A., and A.A., CHRISTINE

KALIKAZAROS, Individual and as Parent and Natural Guardian of Y.K., GAETANO LA MAZZA, Individually and as Parent and Natural Guardian of R.L., STEPHANIE DENARO, Individually and as Parent and Natural Guardian of D.D. and H.D., and CHILDREN'S HEALTH DEFENSE, by and through the undersigned counsel, and **Defendants**, BILL de BLASIO, in his Official Capacity as Mayor of the City of New York, ERIC L. ADAMS, in his Official Capacity as Mayor of the City of New York, DR. DAVID CHOKSHI, in his Official Capacity of Health Commissioner of the City of New York, Dr. ASHWIN VASAN, in his Official Capacity of Health Commissioner of the City of New York, NEW YORK CITY DEPARTMENT OF EDUCATION, RICHARD A. CARRANZA, in his Official Capacity as Chancellor of the New York City Department of Education, DAVID C. BANKS, in his Official Capacity as Chancellor of the New York City Department of Education and THE CITY OF NEW YORK, by and through the undersigned counsel, hereby respectfully submit the following Stipulation of Voluntary Dismissal without Prejudice and stipulate as follows:

**WHEREAS**, the Order of the Second Circuit Court of Appeals, dated April 21, 2022, states: "IT IS HEREBY ORDERED that this appeal is DISMISSED as moot. We hereby VACATE the district court's order denying Appellants' motion for a preliminary injunction and REMAND the case to the district court";

**THEREFORE**, the parties hereby stipulate to a voluntary dismissal without prejudice in the above-captioned case resolving all issues and all claims pending in this litigation pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Each party agrees to bear its own costs, attorneys' fees, and expenses.

Dated this 8th Day of July, 2022

/s/ \_\_\_\_\_

James G. Mermigis, Esq.  
**THE MERMIGIS LAW GROUP, P.C.**  
85 Cold Spring Road, Suite 200  
Syosset, New York 11791  
516-353-0075  
James@MermigisLaw.com



Ray L. Flores II (CA State Bar No.: 233643)  
**Law Offices of Ray L. Flores II**  
11622 El Camino Real Suite 100  
San Diego, CA 92130  
858-367-0397  
Rayfloreslaw@gmail.com  
(Pro Hac Vice)

/s/ Marilyn Richter

Marilyn Richter  
**Hon. Sylvia O. Hinds-Radix**  
Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street, Room 2-180  
New York, NY 10007  
(212)788-0931  
212 788-0940 (fax)  
mrichter@law.nyc.gov